

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 25, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05OD-033

Oahu

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc. and
Hawaiian Electric Company, Inc. for Access and Utility Purposes and Issuance of
Construction and Management Right-of-Entry, Hauula, Koolauloa, Oahu, Tax
Map Key: (1) 5-4-009:004(por).

APPLICANT:

Hawaiian Telcom, Inc., a domestic corporation, whose business and mailing address is
P.O. Box 2200, Honolulu, Hawaii 96841, and Hawaiian Electric Company, Inc., a
domestic corporation, whose business and mailing address is P.O. Box 2750, Honolulu,
Hawaii 96840-0001.

LEGAL REFERENCE:

Section 171-55 & 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hauula situated at Koolauloa, Hauula, Oahu, identified
by Tax Map Key: (1) 5-4-009: 004 (por) as shown on the attached map labeled Exhibit
"A".

AREA:

100 sq. ft., more or less.

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	R-5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: Yes ☐ NO ☒

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 705 setting aside to Department of Education for Hauula Elementary School.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication and electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment because it is found within Exemption Class No. 1, that states "operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The applicants, through their consultant, request the issuance of the subject easement and right-of-entry for anchor relocation within existing aerial pole alignment at Hauula Elementary School.

Anchors are located below ground and along with connecting guy wires are used to help support poles where there is a change in the direction of a pole line. The presence of the anchor is critical to supporting the existing aerial telephone and electrical pole alignment in this area. Absent the correct anchor/guy attachments the "pivot" pole will fall down and take some of the other poles and telephone/electrical cable within the alignment with it. It will cost between \$2,000.00 to \$3,000.00 to replace the anchor.

See January 7, 2008 letter, attached as Exhibit B, confirming Hawaiian Telcom, Inc. acknowledgement and acceptance of Department of Education conditions. There are no other pertinent issues or concerns. Staff has no objection to the request.

We solicited comments from:

Agency	Comment
City and County of Honolulu, Department of Facilities Maintenance	No Response
City and County of Honolulu, Department of Planning and Permitting	The proposed work will not require approval of an SMA use permit pursuant to Section 25-1.3 (2) (D), Revised Ordinances of Honolulu. Staff noted.
Board of Water Supply	No Objections or Comments
Department of Education, Facilities Maintenance Branch	See Exhibit B.
DLNR- Historic Preservation	No Objections
DOT- Highways	No Response
Office of Hawaiian Affairs	Should iwi kupuna or Native Hawaiian cultural or traditional deposits be found during ground disturbance or excavation for the new anchor, work will cease, and the appropriate agencies will be contacted pursuant to applicable law. Staff response: this is standard condition of a right-of-entry permit.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is

therefore exempt from the preparation of an environmental assessment.

2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Hawaiian Telcom, Inc., and Hawaiian Electric Company, Inc. covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a right-of-entry to Hawaiian Telcom, Inc., and Hawaiian Electric Company, Inc. for construction and management purposes covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Melvyn Ho, Land Agent

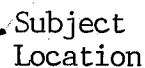
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



EXHIBIT 77



Hawaiian Telcom ●

January 7, 2008

Lea Albert
Complex Area Superintendent
State of Hawaii, Department of Education
46-169 Kam Highway
Kaneohe, Hawaii 96744

Dear Ms. Albert:

Subject: Grant of Non-Exclusive Perpetual Easement In Favor of
Hawaiian Telcom, Inc. and Hawaiian Electric Company
For Proposed Anchor-Guy Wire Relocation to Hauula Elementary School
Affecting State of Hawaii Lands, Tax Map Key, First Division 5-4-09:04
Hauula, Koolauloa, Oahu

This letter will serve to confirm the following Department of Education (DOE) conditions attached to Hawaiian Telcom, Inc. (HTI) obtaining subject Right of Entry and Grant of Easement for anchor/guy wire on Hauula Elementary School site. First this confirms that while the easement request is in favor of HTI and Hawaiian Electric Company (HECO), HTI will take the lead in processing this request and installing the referenced anchor/guy on the property. HTI agrees to the following:

1. Prior to working on the site HTI will check with Heidi Meeker's Office, or an office she designates, to ensure that the excavation does not negatively impact on the school's leech field. Ms. Meeker's contact information is Heidi_Meeker@notes.k12.hi.us or 733-4862.
2. HTI will install a chain link fence to surround the anchor/guy wires (approximate 5 foot by 20 foot easement) on all sides. The new fencing will be the same height as and connected to the existing fence that borders the school/highway. HTI agrees to inspect the fence biannually and maintain it good condition for as long as the anchor/guy wires are needed for the pole.
3. To ensure the safety and well-being of the children of Hau'ula, HTI will post a kapu sign on the fence instructing children to keep out.
4. All construction shall take place during non-school hours to ensure that instruction is not disrupted and the health and safety of the children and staff are not compromised.
5. Mr. Odagiri, Principal of Hau'ula School, will receive a schedule for construction and installation prior to the start of any work.

EXHIBIT "B" P. 1

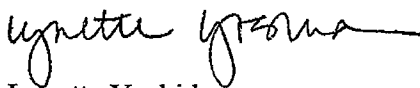
1177 Bishop Street • Honolulu • HI 96813

6. The site of the proposed excavated hole, three feet in diameter and eight to ten feet deep, will be secured so that children cannot get to it or fall into it. HTI and HECO security plans for this will be shared with and approved by Mark Behrens, DOE Safety & Security Specialist, whose contact information is Mark_Behrens@notes.k12.hi.us or 586-3457.

7. HTI and HECO understand that the Hawaii State Department of Education reserves the right to ask for the removal of the guy wires on state property should the needs of the school change and or if the wires should become a problem.

Please direct any questions to our consultant, Sandy Padaken, at 808-981-2371. Thank you for your cooperation in this matter and we look forward to completing the anchor/guy wire relocation project.

Sincerely,



Lynette Yoshida

Manager-CAF/OSP Planning

C: Sandy Padaken

Phil Hauret, HECO

EXHIBIT "B" p. 2